

# EXHIBIT C

**U.S. Department of Labor**

Office of the Assistant  
Secretary for Policy  
Washington, D.C. 20210



FOIA Reference No. 871403

December 27, 2018

Mr. Kevin Lynch  
Assistant Attorney General  
Labor Bureau  
New York State Office of the Attorney General  
28 Liberty Street, 15<sup>th</sup> Floor  
New York, NY 10005  
[Kevin.Lynch@ag.ny.gov](mailto:Kevin.Lynch@ag.ny.gov)

Dear Mr. Lynch:

This letter is in response to your Freedom of Information Act (FOIA) request addressed to the U.S. Department of Labor's (DOL) Office of the Secretary in accordance with 5 U.S.C. §552(a). The Office of the Assistant Secretary for Policy (OASP) conducted an agency search for the following records:

1. "All records regarding employers who have participated in the PAID Program.
2. All records, dated April 11, 2018, to the date the search is conducted, reflecting any meetings, internal or external, concerning the PAID Program.
3. All records, dated April 11, 2018, to the date the search is conducted, of written or oral communications, internal or external, concerning the PAID Program, including without limitation any communications with or by any employer, business association, trade group, non-governmental person or entity, or any member of Congress or their staff.
4. All records, dated April 11, 2018, to the date the search is conducted, including emails, calendars, memoranda, analyses, or reports reflecting meetings or communications with, or records created by, any member of the USDOL's Chief Evaluation Office concerning the development, implementation, consideration, or evaluation of the PAID Program."

Our search yielded 3 pages of responsive documents. However, the documents are being withheld in full pursuant to 5 U.S.C. § 522 b(5). Exemption b(5) permits the withholding of "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 522 b(5).

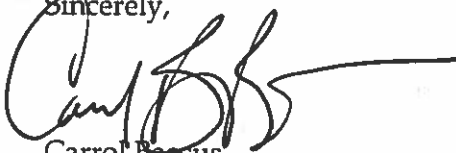
In your request, you asked that the Department's response be coordinated by the Office of Information Services (OIS) in the Office of the Solicitor pursuant to 29 C.F.R. § 70.20(a). While OIS is ensuring a coordinated response among all of the agency components referenced in your request, this response is based solely on the records maintained by the Office of the Assistant Secretary for Policy (OASP). Other components within the Department are continuing to search

for and review any records deemed responsive to your request. They will provide their responses under separate covers.

If you need further assistance or would like to discuss any aspect of your request please contact the OASP FOIA Coordinator, Terry Fryer at 202-693-5925 or by email at [fryer.terry.1@dol.gov](mailto:fryer.terry.1@dol.gov). You may also contact the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or by email at [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov). Alternatively, you may contact the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA) to inquire about the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by e-mail at [ogis@nara.gov](mailto:ogis@nara.gov), by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.

**Notice of Appeal Rights:** You have the right to appeal this determination within 90 days from the date of this response, 29 C.F.R. §70.22. An appeal must be in writing and state the grounds for appeal, including any supporting statements or arguments. You should include copies of your initial request and this response. The appeal should be sent to: Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Appeals may also be submitted by email to [foiaappeal@dol.gov](mailto:foiaappeal@dol.gov). Appeals submitted to any other email address will not be accepted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Bascus', with a long horizontal line extending to the right.

Carol Bascus  
Administrative Officer